

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

APPLICANTS: Michael C. Stewart, et al.
APPLICATION NO.: 10/602,490
FILING DATE: June 23, 2003
TITLE: Apparatus and Method for Integrated Vessel Ligator
and Transector
EXAMINER: Vi X. Nguyen
GROUP ART UNIT: 3731
ATTY. DKT. NO.: 80121-07311

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

STATUS REQUEST

Sir:

Please advise the undersigned attorney of record regarding the status of the subject application following the filing on December 12, 2006 of a Petition to Revive and Response to Specie Election Requirement, together with a check for \$1,500 in payment of the petition fee. True copies of the documents as filed (and stamped received by the Patent Office) are attached hereto, marked as Exhibit A.

Favorable action on the petition and early report of prospective examination data are solicited.

Respectfully submitted,
Michael C. Stewart, et al.

Dated: 5/31/07

By: A.C. Smith

Albert C. Smith, Reg. No.: 20,355

Fenwick & West LLP

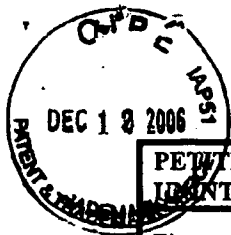
Silicon Valley Center

801 California Street

Mountain View, CA 94041

Tel.: (650) 335-7296

Fax.: (650) 938-5200



DAE
ZJW

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
INTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
80121-07311

First named inventor: Michael C. Stewart

Application No.: 10/602,490

Group Art Unit: 3731

Filed: June 23, 2002

Examiner: Vi X. Nguyen

Title: Apparatus and Method for Integrated Vessel Ligator and Transector

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition fee

☐ Small entity - fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500 (37 CFR 1.17(m))

2. Reply and/or fee

**A. The reply and/or fee to the above-noted Office action in the form of
Response to Specie Election Requirement (identify type of reply):**

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been filed previously on _____.

☐ is enclosed herewith.

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12/13/2006 RUCNDAF1 00000047 10602490

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Exhibit A

80121/07311/DOCS/1678479.1

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995 no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

12/7/06
Date

A. C. Smith
Signature

Telephone

Number: (650) 335-7296

Albert C. Smith, Reg. No. 20,355

Fenwick & West LLP
801 California Street
Mountain View, CA 94040

- Enclosures:
- ☒ Fee Payment ✓
 - ☐ Reply
 - ☐ Terminal Disclaimer Form
 - ☐ Small Entity Status Form
 - ☒ Response to Specie Election Requirement ✓

CERTIFICATE OF MAILING [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

12/7/06
Date

A. C. Smith
Signature

Albert C. Smith



IN THE UNITED STATES
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CERTIFICATE OF MAILING			
I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature:	<i>A-C. Smith</i>		
Typed or Printed Name:	Albert C. Smith, Reg. No. 20,355	Dated:	12/7/06

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

RESPONSE TO SPECIE ELECTION REQUIREMENT

Sir:

The following Remarks are in response to the official action dated May 4, 2006 received in the patent application identified above.

Exhibit A

80121/07311/DOCS/1678468.1

REMARKS

An election has been required under 35 U.S.C. § 121 among the patentably distinct species of the claimed invention, including:

- Specie 1 illustrated in figures 1, 2a-c, 3a-c, 4;
- Specie 2 illustrated in figures 2d;
- Specie 3 illustrated in figures 5a, b;
- Specie 4 illustrated in figures 5c, d;
- Specie 5 illustrated in figures 53-g;
- Specie 6 illustrated in figure 6; and,
- Specie 7 illustrated in figures 7-9.

Applicants hereby elect, without traverse, to prosecute in this application the Specie 1, for example, as illustrated in figures 1, 2a-c, 3a-c, 4 and list as readable thereon the claims 1-13, 29 and 30.

Applicants are retaining the remaining claims in this application, unexamined, pending allowance of a generic or linking claim.

Favorable action is solicited.

Respectfully submitted,
Michael C. Stewart, et al.

Dated: 12/7/06

By: A-C Smith

Albert C. Smith, Reg. No.: 20,355

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Exhibit **A**

80121/07311/DOCS/1678468.1